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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,) No. CR 07-00675 JF
14 Plaintiff,)
15 v.)
16 DAVID HINKEL, and)
JEFFREY RYAN SMITH,)
17 Defendants.)
18 _____)

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20 On January 30, 2008, defendant Smith appeared for a hearing before the Honorable
21 Patricia V. Trumbull on a writ of habeas corpus issued on January 29, 2008. At that time, the
22 Court set the matter for a status hearing on March 5, 2008. The parties stipulated to an exclusion
23 of time under the Speedy Trial Act to allow counsel for defendant reasonable time for effective
24 preparation.

25 On February 1, 2008, defendant Hinkel appeared for a detention hearing before the
Honorable Patricia V. Trumbull. At that time, based upon the request of the parties, the Court
set the matter for a status hearing, also on March 5, 2008. The parties stipulated to an exclusion
of time under the Speedy Trial Act to allow counsel for defendant reasonable time for effective

1 preparation.

2 The United States hereby submits this written request for an order finding that said time
3 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161, in that the ends of justice are served
4 by taking such action and outweigh the best interests of the public and defendants in a speedy
5 trial. 18 U.S.C. § 3161(h)(8)(A). Further, the failure to grant such a continuance would
6 unreasonably deny counsel for defendants the reasonable time necessary for effective
7 preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv).

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9 DATED: February 27, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

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11 _____/s/
12 EUMI L. CHOI
Assistant United States Attorney

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14 _____/s/
15 NICHOLAS HUMY
Counsel for Defendant Hinkel

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17 _____/s/
18 SCOTT FURSTMAN
Counsel for Defendant Smith

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ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between January 30, 2008 and March 5, 2008 as to defendant Smith is excluded under the Speedy Trial Act, 18 U.S.C. § 3161, and, similarly, the time between February 1, 2008 and March 5, 2008 as to defendant Hinkel is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the ends of justice are served by taking such action and outweigh the best interests of the public and defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A). Further, the failure to grant such a continuance would unreasonably deny counsel for defendants the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. § 3161(h)(8)(A) and (B) (iv).

IT IS SO ORDERED.

DATED:

PATRICIA V. TRUMBULL
UNITED STATES MAGISTRATE JUDGE